

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY,
RYAN C. BUNDY,
AMMON E. BUNDY, and
RYAN W. PAYNE,

Defendants.

2:16-cr-46-GMN-PAL-1-4

DATE: November 3, 2017

Courtroom 7C

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Heather Newman

COUNSEL FOR PLAINTIFF: Nadia Ahmed with FBI Agents Joel Willis and Sharon Gavin and BLM Officer Christopher Allen

COUNSEL FOR DEFENDANT: Bret Whipple, Maysoun Fletcher (Stand-by Counsel for Ryan Bundy), Daniel Hill, Jay Morgan Philpot, Brenda Weksler, Ryan Norwood, and Cristen Thayer

MINUTES OF PROCEEDINGS: Evidentiary Hearing (Day 4)

8:30 a.m. The Court convenes outside the presence of the prospective jurors. The Court admonishes the parties regarding courtroom demeanor.

8:41 a.m. **ZACHARY OPER**, called by Defendant Ryan Payne, is sworn and testifies on direct examination by Mr. Norwood. Mr. Whipple conducts direct examination on behalf of Cliven Bundy. Mr. Ryan Bundy conducts direct examination on behalf of himself. Ms. Ahmed conducts cross examination on behalf of the Government. Mr. Norwood conducts redirect examination. The witness is excused.

9:30 a.m. **MARY HINSON**, called by Defendant Ryan Payne, is sworn and testifies on direct examination by Mr. Norwood. Mr. Whipple conducts direct examination on behalf of Cliven Bundy. Mr. Philpot conducts direct examination on behalf of Ammon Bundy. Mr. Ryan Bundy conducts direct examination on behalf of himself. Ms. Ahmed conducts cross examination on behalf of the Government. Mr. Norwood conducts redirect examination. Mr. Whipple conducts redirect examination on behalf of Cliven Bundy. Mr. Ryan Bundy conducts redirect examination on behalf of himself. Ms. Ahmed conducts cross examination on behalf of the Government. Mr. Whipple conducts further redirect examination on behalf of Cliven Bundy. The witness is excused. **EXHIBIT 6013 is marked but not admitted into evidence at this time.**

11:13 a.m. The Court stands at recess for a morning break.

11:21 a.m. The Court reconvenes. **PAMELA SMITH**, called by Defendant Ryan Payne, is sworn and testifies on direct examination by Ms. Weksler. Mr. Whipple conducts direct examination on behalf of Cliven Bundy. Mr. Ryan Bundy conducts direct examination on behalf of himself. The witness is excused.

11:44 a.m. **RANDY LaVASSEUR**, called by Defendant Ryan Payne, is sworn and testifies on direct examination by Ms. Weksler. Mr. Whipple conducts direct examination on behalf of Cliven Bundy. Mr. Ryan Bundy conducts direct examination on behalf of himself. Ms. Ahmed conducts cross examination on behalf of the Government. Mr. Ryan Bundy conducts redirect examination on behalf of himself. The witness is excused.

12:32 p.m. The Court will require a proffer for any additional witnesses to be called in regards to the issues at hand in this hearing. Mr. Norwood, Mr. Whipple, and Mr. Ryan Bundy make further additional arguments. The Court makes rules as stated on the record. The Court does not find that any bad faith actions have occurred. The Court ACCEPTS Magistrate Judge Peggy A. Leen's Report and Recommendation (ECF No. 2313) and DENIES Defendant Ryan Payne's Motion to Dismiss for Destruction of Evidence (ECF No. 1878).

1:05 p.m. The Court adjourns.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: /S/
Aaron Blazeovich, Deputy Clerk